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**712.11 Residential Infill Development Overlay District**



A. Purpose and Intent.

It is in the public interest to maximize efficiency of the utilization of public services, infrastructure, and facilities as a means to achieve balanced growth and to provide a cost-effective method for municipal service delivery. Within the residential areas of the identified urban core of Marietta, there exists an opportunity to achieve maximum utilization of land resources that have been by-passed or under-utilized in the development of the urban area. An increase in the density normally allowed by the underlying zoning district is deemed an appropriate incentive to promote infill development and redevelopment within this urban core for single-family residential detached districts.

The specific objectives of this ordinance as related to infill development and redevelopment in the identified urban core of Marietta are:

- Accommodate growth by encouraging and facilitating new single family housing on vacant and underutilized land in areas that already have infrastructure, utilities, and public facilities, while addressing the needs of Marietta's residents;
- Encourage efficient use of land and public services in the context of existing communities;
- Provide flexibility in development standards to facilitate infill development and redevelopment;
- Encourage construction of housing in close proximity to employment and services;
- Promote neighborhood preservation and enhancement through redevelopment of blighted, distressed and underutilized properties.

**B. Applicability.**

This district implements the Infill Development Zone (IDZ). The provisions of this district apply to all residential parcels designated within the IDZ and within designated redevelopment areas. The boundary of this district shall be shown on the Official Zoning Map of the City of Marietta and all parcels contained within the zone, which meet the eligibility section below, are able to utilize the provisions set forth in this ordinance. All land uses and development, including but not limited to buildings, driveways, parking areas, streets, buffers, tree protection/landscaping, and pedestrian/bicycle ways, shall be located and/or provided for in accordance with the provisions of the zoning ordinance and land development regulations, except as modified by this chapter.

**C. Eligibility.**

Properties may use the IDZ ordinance if they meet the following criteria:

- Parcels created by legal division, testamentary procedure, or laws of descent prior to April 11, 1984; and
- Parcels whose gross size is two (2) acres or smaller; and
- Parcels that can and will be served by public water and sewer; and
- Parcels that have a residential zoning designation; and
- Parcels identified in the applicability section of this ordinance.

**D. Relationship to existing zoning districts.**

All provisions of the city code that would apply to a non-infill project shall also apply to infill projects unless specifically modified in this ordinance. The developer of property that falls within the area covered by this ordinance may choose to develop his/her property using these standards. If the developer chooses to use the standards set forth in this ordinance then the standards of this section shall take precedence over those of the underlying zoning designation and other sections of the zoning ordinance, unless otherwise stated herein. If the developer chooses to use the standards of the underlying zoning designation, the standards of this ordinance will not apply to his/her property.

**E. Exclusions.**

The following activities shall be excluded from use of the Infill Development Zone (IDZ) requirements and development review, although they may be reviewed under separate administrative procedures where noted in this section or in other sections of the Marietta Municipal Code.

- Non-residential property. All non-residentially zoned lots are excluded from this



ordinance but shall comply with the provisions set forth in other sections of the Marietta Municipal Code. Compliance with these provisions shall be verified through the building permit process.

- Marietta Historic Districts. Properties that are contained within a locally designated Historic District as identified on the Official Historic Map of Marietta or the Official Zoning Map of Marietta are exempt from this ordinance but shall comply with all other Municipal Codes that pertain to this property.

F. Permitted Uses.

Permitted uses for individuals using this ordinance shall be the same as those allowed under the R-4 zoning designation.

G. Temporary/Conditional Uses Allowed by the Director.

Temporary or conditional uses for individuals using this ordinance shall be the same as those allowed under the R-4 zoning designation.

H. Special Uses Permitted by the Board of Zoning Appeals.

Special uses permitted by the Board of Zoning Appeals for individuals using this ordinance shall be the same as those allowed under the R-4 zoning designation.

I. Special Uses Permitted by the City Council.

Not applicable in this district.

J. Accessory Structures.

Accessory structures for individuals using this ordinance shall be the same as those allowed under the R-4 zoning designation, except that all accessory structures shall be setback at least 10' from the side and rear lot lines. In no case may the accessory structure be closer to any right-of-way than the principal building. In cases where the accessory structure is more than fifteen (15') feet in height, any window that has visibility to a directly adjacent property shall have obscured windows that do not allow visibility to the directly adjacent property. Stairs, doors, porches, and similar structures on accessory buildings shall not be allowed to face an adjacent property.



K. Use Limitations.

Use Limitations for individuals using this ordinance shall be the same as those allowed under the R-4 zoning designation.



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**L. Infill Development Application Procedures.**

All applicants submitting for development approval through the Infill Development Zone Ordinance shall follow the following procedures and standards as set forth herein.

1. An original and fifteen (15) copies of an exemption plat, supplementary data, and architectural facades, shall be submitted to the Planning and Zoning Department for review by all relevant city staff. The applicant shall also submit evidence that they have obtained property owner authorization to accompany the aforementioned documentation and shall submit evidence that all City taxes have been paid on this property. Once staff has reviewed the information and deemed this information to be complete and in compliance with the standards set forth in this ordinance, the proposal and staff comments will be transmitted to the Mayor and City Council for review.
2. The Mayor and City Council will have twenty-one (21) days from the date of notification in which to review the information and gather public input in order to determine approval, disapproval, or amendments to the proposal. Signs shall be posted on the property of the proposed development for the same 21-day period in order to invite public comment. Should the Development Services Director receive no objection from the Mayor or any Council member within said twenty-one (21) day time period, the proposal shall be deemed to be approved. If a proposal under this ordinance has been approved, the applicant must continue to comply with standard platting and permitting procedures in order to complete the building and development approval processes.
3. If an objection is lodged with the Development Services Director, or his/her designee, within the aforementioned twenty-one (21) day period by the Mayor or any City Council member, then the project is disapproved. A project that is disapproved may submit for rezoning and will be required to follow the normal rezoning process.
4. In the event that the Development Services Director determines that a proposal using the IDZ is not consistent with surrounding developments, or is being proposed in an area identified for large-scale redevelopment activity, then staff has the authority to disapprove such a submittal.
5. A piece of property that has been disapproved for development under this ordinance shall not submit additional development plans using the Infill Development Zone Ordinance on the same piece of property for a period of six (6) months; however an applicant may petition the City Council to waive the six (6) month waiting period by demonstrating that the proposal is materially different from that which was disapproved earlier.
6. An application may be withdrawn without prejudice, prior to an objection being lodged, as set forth in this article. However, no application shall be filed and withdrawn more than two (2) times in a six (6) month period.

**M. Standards.**

1. Any residentially zoned property within the IDZ that was recorded by subdivision plat or deed, using the proper municipal process at that time, prior to April 11, 1984 is deemed a buildable lot for a single family detached residential structure, even though the lot may have less than the minimum area for any residential zone. Lots developed in this fashion shall use standards as set forth in this section.





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2. Lot Size and Density: For the division of new residential parcels, the minimum parcel area shall not be less than any other residential lots in the neighborhood and in no case shall the density exceed 8 units per acre or contain less than 5,400 square feet.
3. Lot Width: Minimum lot width shall not apply to parcels using this ordinance. Subsequent development on infill parcels that were created with less than the minimum width of 75'/60' for cul-de-sac shall not be granted a variance or administrative variance to the minimum setbacks or frontage requirements.
4. Building height: Maximum building height shall be 35'.
5. Floor Area: Minimum floor area shall be 1,200 square feet per residential unit.
6. Building Coverage: Maximum lot coverage shall not apply to parcels using this ordinance.
7. Impervious Surface: The maximum impervious for any lot using the IDZ is 65%.
8. Minimum Front Setback: The front setback shall be the mean distance of other residential structures that are adjacent to the subject parcel. In no case shall a front setback be less than ten (10') feet for all structures except for garage, carport, or similar vehicular shelter entry, which shall have a minimum setback of eighteen (18') feet. If there are no residential structures adjacent to the subject parcel in the vicinity of the proposed development then the setback shall be meet the minimum front setback as defined above.
9. Minimum Side (major and minor) Setbacks: Primary structures shall be setback ten (10') feet from side property lines.
10. Minimum Rear Setback: Primary structures shall be setback a minimum of thirty (30') feet from rear property lines.
11. Sidewalks: A minimum 5-foot sidewalk is required to be installed adjacent to all public and private roadways.
12. Landscaping: One tree, having a minimum DBH of 3" must be planted adjacent to all public and private roadways. These trees must be planted a minimum of 30 feet on center and shall be consistent with the requirements of the Tree Protection and Landscape Ordinance.
13. For all developments containing 8 or more units, a mandatory homeowners association shall be created that will be responsible for the upkeep and maintenance of all front yards and common areas including all fencing, landscaping, amenities and buffers, and shall include architectural control oversights for the development.
14. All units shall be "for sale" only, and no more than five percent (5%) of all the homes within the residential development shall be allowed to be renter occupied at any time.
15. The development shall comply with all recommendations from the City of Marietta Public Works Department with respect to hydrology, stormwater management, down stream considerations and any donation and/or conveyance of right-of-way that is deemed necessary.

**N. Architectural Standards.**

All new development created under the IDZ shall include a number of minor design and site planning elements to ensure quality and compatibility with general housing trends within the city. The standards are as follows:

1. Front porches cannot be closer than 10' from any front property line;
2. Building materials shall be of wood, fiber-cement siding or other siding of similar or superior quality, stone or brick and shall include four-sided architecture.
3. Optimize privacy of residents and minimize infringement on the privacy of adjoining land uses through the strategic placement of windows, door entrances, porches, and similar structures, especially as it relates to accessory structures;
4. Building orientation should maintain the integrity of the streetscape and provide direct, safe access to the street; and
5. Buildings shall use at least five (5) of the following design elements:
  - Dormers along the facades facing public streets;
  - Gables (pitch not less than 4:12) along the facades facing public streets;
  - Recessed entries along the facades facing public streets;
  - Covered porch or entries with decorative pillars or posts along the facades facing public streets;
  - Window shutters along the facades facing public streets;
  - Cupolas along the facades facing public streets;
  - Bay or bow window (minimum 12 - inch projection) along the facades facing public streets;
  - Eaves (minimum 6 - inch projection) along the facades facing public streets;
  - Off-sets in building face or roof (minimum 12-inches) along the facades facing public streets; and
  - Detached garages in the side or rear yard of the property that contains a similar façade to that of the primary structure or attached garages that have side or rear yard access which are not visible on the front façade of the structure.

